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James N. Purcell, Jr.

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U.S. Refugee Policies and Programs at Midyear 1986

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Following is a statement by James N. Purcell, Jr., Director of the Bureau for Refugee Programs, before the Senate Judiciary Committee, Washington, D.C., June 20, 1986.

This midyear consultation provides a welcome opportunity to review developments in U.S. refugee policies and programs that have occurred since the annual consultation at which the Secretary of State testified last September. By their nature, refugee programs reflect and respond to rapidly changing situations in many regions throughout the world. The established structures of an annual refugee consultation and an unpredictable budget process often come into conflict with the changing requirements of the real world. Periodic consultations such as this enable us to report on steps needed to adjust our programs to the changing realities.

Your letter inviting us to this consultation expresses particular interest in the current situation of the "border Khmer," the "Khmer review process" at Khao I Dang, and other subjects addressed in your comprehensive report on the "U.S. Refugee Program in Southeast Asia: 1985." In addressing these and related subjects, I also want to draw on the report of the independent Indochinese Refugee Panel, headed by the former Governor of Iowa, Robert D. Ray, which was submitted to the Secretary of State on April 18. With the assistance of the Immigration and Naturalization Service (INS), we are now conducting our own analysis of the report.

I will also discuss the implications for our programs of the funding cuts mandated by the Gramm-Rudman-Hollings legislation and other budgetary restrictions for this fiscal year (FY 1986) and the related shifts in program and funding priorities we will follow as a result of these budget reductions. I will also express the Administration's concerns about the sizable reductions which will occur in refugee and many other international affairs programs as a result of House and Senate action to reduce funding for these programs in their deliberations on the 1987 budget resolution. Finally, as you have suggested, I will provide an update on the African refugee situation, with particular reference to Ethiopia and Sudan and in light of the report recently completed by the subcommittee's staff.

Reports on Southeast Asian Refugee Programs

Before discussing these issues, however, I would like to discuss briefly the context in which we are addressing several recent studies which have suggested new policy directions in our Southeast Asia program. We have had available your review, as well as that of the Ray panel and a number of other policy or operational critiques. All point to a crossroads, a need to move from almost exclusive reliance on refugee resettlement in the program to a more balanced use of refugee and normal immigration mechanisms. The Administration agrees with this redirection.

For example, the Ray report provides, we believe, an excellent analysis of the problem and offers viable suggestions for addressing it. Implementation, however, if it is to be enduring and problem solving, must be done in an international context with renewed leadership and direction from the UN High Commissioner for Refugees (UNHCR) and his staff. Only in this way can we achieve broad-based burden-sharing through the active participation of other resettlement countries.

Furthermore, we must have a mechanism capable of actively pursuing comprehensive, durable solution planning if we are to avoid almost exclusive reliance on third country resettlement. Commissioner [of the Immigration and Naturalization Service Alan C.] Nelson and I had the opportunity to continue the dialogue on such a process in Geneva last week (June 12) with a number of our partners: Australia, Canada, and Japan. We found the UN High Commissioner and leaders of several other major resettlement governments receptive to the need to review our joint approaches to the Southest Asian refugee program and willing to discuss such approaches further. Coordinated action at the international level is essential for future planning and operations, and we are optimistic that our other partners share this view and are eager to pursue it further over the coming months.

Also, we must realistically acknowledge that reductions in the U.S. budget for international affairs programs—which, at this point, seem very likely to

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occur—argue strongly for pursuing refugee assistance programs with a renewed emphasis on viable burdensharing. The United States must never back away from its humanitarian traditions and obligations, but we must realistically determine the proper U.S. role in such undertakings. We are confident that the good will and capacity still exist in the international community for aggressively pursuing solutions to the Indochinese refugee problem, as well as those of other regions, but care and patience must be taken to develop the framework which will permit an equitable burdensharing response to such problems.

Thai-Cambodian Border

Your report and that of the Ray panel deal with many of the same issues, including those highlighted in your letter calling this consultation. Of those issues, none is more significant and sensitive for the future of the Southeast Asian region, and for the future direction of our programs, than the situation of the 250,000 Khmer and other populations along the Thai-Cambodian border.

The recent dry season in that region came and went without significant attacks on civilian encampments by Vietnamese military forces, unlike earlier years when Vietnamese ground forces and artillery fire forced repeated evacuations of the border populations. This may well be due, in part, to the Thai Government's decision to move the border encampments a short distance into Thailand, thus removing the opportunity to attack camps immediately on the border. To further lessen the pretext for attacks, combatants were separated from civilians.

In its discussion with senior Vietnamese officials in Hanoi, the Ray panel urged the Vietnamese not to attack the civilian camps as had happened in earlier years. The subsequent January visit to Hanoi by Assistant Secretary of Defense Armitage and then Assistant Secretary of State [for East Asian and Pacific Affairs Paul] Wolfowitz was made conditional on the absence of such attacks. The United States and its allies used the diplomatic tools at their disposal to assure that the Vietnamese knew that attacks on innocent civilians would be met by worldwide condemnation.

Now that the 1985-86 dry season is over, we have seen that Vietnamese military efforts this year concentrated on further sealing the border region and on measures to extend Vietnamese control of the Cambodian countryside. The Khmer now residing in the camps in the vicinity of the border will continue to require special attention from the international community to assure their security and welfare. With the International Committee of the Red Cross [ICRC] acting as the focal point for protection and the UN Border Relief Operation for welfare and maintenance, we believe the international mechanisms now in place can adequately attend to these vulnerable populations as the search for political solutions to their situation continues.

Need for Improved Education Programs

To the extent that the situation has stabilized, it becomes all the more desirable to provide improved education, health, and feeding programs for the displaced Khmer who remain in the vicinity of the border. I was pleased to see that the Ray panel emphasized the need for such programs in terms similar to those set forth in your report a year earlier.

We in the Administration have also urged that such programs be established and expanded, and from information we have received recently, I believe that the responsible authorities in Thailand are giving serious consideration to allowing such programs to go forward if the necessary international funding can be assured. For a population of this size, expansion of educational programs now in place will require substantial additional resources.

Our government recognizes a responsibility to assist financially, but it is also important that other governments, as well as private organizations in a position to contribute, help to underwrite these programs. The Khmer on the border have been forced to flee their homelands in what the Thai and we continue to regard as a temporary displacement caused by the presence of Vietnamese forces in Cambodia. Although eventual return to their home regions clearly seems the right solution for the great majority of these people, it is a tragic waste of human potential that so many of them have been growing up for years without access to even minimum schooling.

Border Processing

Such programs are even more important in view of the Ray panel's finding—similar to yours—that refugee admissions processing for resettlement in third countries is not the appropriate solution for the Khmer on the border. The Ray panel endorsed our current policy of immigrant visa processing for family reunification cases in this group, recommending generous use of humanitarian parole for hardship cases. I believe this is also consistent with the recommendations in this subcommittee's report.

Another group on the border—the 4,500 so-called land Vietnamese refugees who survived the hazardous trip across Cambodia from Vietnam—have been of particular concern to many Members of Congress. Because of their special vulnerability, surrounded by hostile Vietnamese communist military forces and unfriendly Cambodian groups, we and other countries are processing the land Vietnamese for resettlement on an urgent basis. The Thai authorities requested assurances that this entire group would be processed, and we understand that they are seriously considering moving the group away from the border to a nearby inland site for greater safety and more efficient interviewing. We hope they will make a favorable decision shortly. For this group, the United States is considering cases in all our processing priorities. We believe this policy is justified by the special vulnerability of the land Vietnamese and the absence of any prospect for them to return to their homeland.

You will also be interested to know that the United States has completed processing of a small group of Montagnard refugees which was also located at Site 2. We received many expressions of concern about this vulnerable population from Members of Congress and the public. We processed the entire group, accepting all 213 considered. They are now undergoing ESL/CO [English as a Second Language/Cultural Orientation] training prior to resettlement in the United States.

Khao I Dang

The refugee camp at Khao I Dang has served as the main site for Cambodian refugees within Thailand since their arrival in the wake of the Vietnamese invasion in 1978–79. Of the approximately 165,000 pre-1980 arrivals, over 90% have been resettled abroad, in the United States and other receiving countries. The United States has approved over 90% of the cases in this population that were presented to the INS. The remaining 14,500 of this group have been

rejected for admission to the United States and, in some cases, other countries and have been the subject of continuing case reviews carried out by the Immigration and Naturalization Service and the State Department, with the assistance of experts from private voluntary agencies.

The initial review of the Khmer caseload at Khao I Dang was completed in June 1985. Between February and August of 1985, there was a further review of 154 previously denied cases in the field, for whom the earlier denials were upheld in 84 cases and reversed in 44, with some cases held for further review. A subsequent formal review of an additional 631 previously denied cases was instituted in November 1985, and of this number, slightly under 10% (59 out of 631 cases) were reversed. Since each case averages several people in a family, we estimate that about 20% of this population of 14,500 has benefited from such reviews.

The Ray panel stated that it was impressed by the major efforts undertaken to review the cases of the "denied Khmer" and recognized the difficulty of carrying out this process but concluded that additional cases should also be reviewed. The panel noted that among the denied Khmer are some with family ties in the United States for whom it would be especially desirable to assure that there has been a full review.

It has been the INS's judgment, in which we have concurred, that the review of the 631 cases effectively completed the special review process. The cases were selected with an eye to those that appeared most likely to benefit from review, including those with family ties in the United States.

Family Card Holders

Another group at Khao I Dang—the 4,300 so-called family card holders who entered the camp between 1980 and 1984—has just become available for resettlement processing, and the United States will soon commence processing in priorities one through five. We are not planning to process those who entered the camp illegally after August 1984—the so-called ration card holders who are regarded by the Thai and the international community as essentially in the same status as the Khmer on the border.

At a June 13 meeting in Bangkok, the Thai authorities stated their ultimate intention to close Khao I Dang and to move those remaining there to a location of their choice along the border. We have reminded the Thai of our interest in the family card holders, as well as those who will benefit from immigrant visa processing. The planned relocation of these groups is, of course, the responsibility of the Thai, but we have requested that they keep the camp open until all governments have had an opportunity to complete their processing and the UNHCR has had an opportunity to determine whether other forms of durable solutions should be considered. The UN High Commissioner will visit Southeast Asia in September, and this is one of the subjects he will address. Thai officials agreed at the June 13 meeting to meet again later in the year to review the status of Khao I Dang with UNHCR and the major resettlement governments.

Lao in Thailand

Both this committee's report and that of the Ray panel deal extensively with the situation of Lao refugees in Thailand, particularly the screening program that has been instituted by the Thai authorities with the participation of the UNHCR to determine which of the newly arriving Lao qualify for refugee status and which should be returned to Laos as illegal immigrants.

Essential to this program has been the Lao Government's agreement to accept back those screened out. Despite an earlier agreement in principle between the Lao and Thai Governments, thus far, none of the approximately 1,000 persons have been permitted by Laos to return home. We are supporting the UNHCR's efforts to work with the Lao authorities to assure their safe and orderly return.

On the positive side, the screening program has acted to reduce the number of new Lao arrivals in Thailand. Since it started in July 1985, 3,900 Lao have arrived in Thailand, as opposed to 16,000 during the comparable period in the preceding year. Almost half of the arrivals since July 1985 have been granted temporary asylum by Thailand and are currently in UNHCR camps.

* * * * *

U.S. Admissions Policy

On the general subject of Indochinese refugee admissions to the United States, the Ray panel's recommendations point in the same direction as your report a year earlier. The panel concludes that the Indochinese program should have two components:

- A continuing refugee program for those who meet the legal definition of refugees; and
- An effective immigration program for those seeking admission to the United States on the basis of family ties.

Such a shift toward immigration processing was endorsed in Secretary Shultz's statement to this committee last September, and it is now under careful review by the interagency study group to which I referred earlier. The Ray panel suggested a number of steps to be considered in a transition period. There appears to be wide recognition that the time is at hand for such a shift of emphasis in our admissions programs.

Essential to this recommendation is the recognition that many of the 800,000 Indochinese now in the United States are or will soon be eligible, if they proceed with adjusting their status, to petition on behalf of relatives for admission as immigrants. The panel endorsed the suggestion, which also finds favor in your report, that the private voluntary agencies should continue to play a key role in aiding these groups, regardless of their method of admission to the United States.

Budget Situation and FY 1986 Admissions

In recent months, all parts of the executive branch have been undertaking program reductions necessary to conform to the requirements of the Gramm-Rudman-Hollings legislation. In our case, in addition to applying the across-the-board reductions, we have had to consider additional shifts in our limited funds to meet critical refugee assistance needs overseas.

Life-sustaining care and maintenance requirements are expanding for refugees in Africa, the Aghans in Pakistan, the Cambodians on the Thai-Cambodian border, and for other groups in Southeast Asia and elsewhere. These accelerating needs cannot be met out of the funds originally budgeted for this purpose, even before the Gramm-Rudman-Hollings reductions. In order to meet these highest priority needs, therefore, we have no alternative but to apply even greater cuts in proposed funding for FY 1986 admissions—and, thus, in the numbers to be admitted—beyond those mandated by the Balanced Budget and Emergency Deficit Control Act of 1985.

Revised FY 1986 Admissions

For FY 1986, we can foresee that we will be unable to utilize fully the 67,000 admissions ceilings announced by the President. Instead, we expect refugee admissions at about the 61,000 level.

The following chart shows the regional ceilings established for this year and the projected number of admissions that we expect to be able to fund out of our budget after the shifts and reductions described above.

FY 1986 Regional Admissions Ceilings

	FY 1986 Ceiling	Revised Admission Levels
East Asia—First Asylum	37,000	35,000
East Asia—ODP	8,500	8,500
Eastern Europe and U.S.S.R.	9,500	9,500
Near East—South Asia	6,000	6,000
Latin America	3,000	250
Africa	3,000	1,750
TOTAL	67,000	61,000

We have substantially reduced the projected Latin American numbers because the Government of Cuba has not resumed implementation of the Migration Agreement with the United States signed in December 1984. The lower African admissions result from a moratorium on refugee movements instituted by the Government of Sudan. We have been forced to reduce expected admissions from East Asia/First Asylum by 2,000 in order to free additional resources for basic refugee assistance requirements, particularly in Africa.

The post-Gramm-Rudman-Hollings budget of $324 million for the State Department's 1986 refugee program has, as we expected, proven inadequate to meet the serious refugee needs the international community is addressing throughout the world. The impact of these reductions is magnified when one considers that up to a quarter of our budget is protected from reductions through statutory earmarking imposed by authorizations and appropriations actions.

Therefore, because of the unavoidable and critical need to meet serious care and maintenance requirements of refugees in Africa and Southeast Asia, which exceed current budget availabilities, we have proposed to reprogram $9.2 million from the U.S. admissions program. This will result in the ability to fund only 61,000 new admissions. We regret this action but believe we have no alternative, given the urgent needs overseas and our reduced ability to meet them. Highest priority will have to be given to life-preserving programs.

Funding for FY 1987 programs could become even more limited, especially if the major reductions proposed in either the House or Senate overall budget resolutions are enacted into law. As you will recall, the Administration's 1987 budget request of $22.6 billion for the international affairs budget function has been reduced to $17.9 billion and $17 billion by the Senate and House respectively. What these actions will mean specifically for the refugee program request of $347 million is, at this time, uncertain, but it is likely to be substantial. Given that these funds aid almost 10 million refugees throughout the world, cutbacks of the magnitude now being discussed would have serious implications for the well-being of these vulnerable people. We urge the support of this committee in assuring that adequate funds are provided for these vitally important humanitarian programs.

First Half FY 1986 Admissions

For the committee's information, I am also providing the status of actual admissions to the United States as of April 30, 1986:

East Asia/First Asylum	21,050
East Asia/ODP	4,970
Eastern Europe and U.S.S.R.	5,260
Near East and South Asia	3,830
Latin America	21
Africa	450
TOTAL	35,581

Drawing on refugees already in the refugee processing centers, projected Indochinese admissions for the remainder of the fiscal year are expected to be close to the proposed reduced level of 35,000. Admissions under the Orderly Departure Program (ODP) are likely to reach the 8,500 ceiling.

Although admissions of refugees from the Soviet Union (primarily Soviet Jews) continue to run disturbingly low (511 as of the end of April), admissions of other categories of refugees from Eastern Europe should bring us close to the 9,500 ceiling.

In the Near East region, refugees are drawn primarily from Afghans (1,629 as of April 30) and Iranians (1,973 for the same period), and total admissions for the year are expected to come close to the 6,000 ceiling.

From Latin America, as noted above, we have been disappointed in our hope that the Cubans would terminate the suspension of the December 1984 Migration Agreement. Admissions now total 21 Cubans from other parts of Central America, and admissions for the year may well stay below 100 persons.

The shortfall from Africa, as I have mentioned, is caused largely by suspension of processing in Sudan. The suspension resulted initially from the government's moratorium on refugee movements but has continued because of the current security situation and the withdrawal of American personnel. If we are able to move the 950 already approved by INS in Sudan, we could still come close to the projected admissions of 1,750.

Actual Admissions in FY 1985

For comparison, actual refugee admissions in FY 1985 totaled 68,045 out of a ceiling of 70,000.

FY 1985 Refugee Admissions

	Actual Admissions	Regional Ceilings
East Asia—First Asylum	41,972	42,000
East Asia—ODP	7,998	8,000
Eastern Europe and U.S.S.R.	9,990	10,000
Near East—South Asia	5,994	6,000
Latin America	138	1,000
Africa	1,953	3,000
TOTAL	68,045	70,000

Refugees in Africa

The budget shifts I have described have been driven, to a large extent, by the increased requirements for refugee assistance in Africa. The African refugee situation is complex and dynamic. Many countries are concurrently generators of and receivers of refugees; refugees may be returing home to some countries at the same time as their compatriots are fleeing into refuge.

You will remember that, during late 1984 and 1985, the number of refugees in Africa in need of international assistance grew from some 2 million to some 2.8 million. The dramatic increase

was principally caused by the coincidence of drought and civil strife. The relatively abundant rains this year may signal an end to the natural disaster of drought but do not necessarily lead to a solution to Africa's refugee problems. For example, Chadians who fled into Sudan may have been seeking food relief aid as much as they were fleeing the ravages of assorted bandits and tribal enemies. Although rains have returned, renewed fighting in Chad's internal war and the geopolitical interests of Libya, Sudan, and Chad—among others—conspire to keep many of those Chadians in Sudan and of concern to UNHCR. Elsewhere in Africa, the numbers of refugees able to return to their homes have been offset by new refugee flows. Therefore, the overall number of refugees in Africa remains fairly constant, though the composition of the total is changing.

Horn of Africa

With respect to the Horn of Africa, we continue to monitor closely the conditions which generate refugees. Two policies of the Government of Ethiopia—internal resettlement and villagization—appear to have caused significant flows of refugees into Sudan and Somalia. Resettlement is currently suspended, although the Ethiopian Government has announced that it will resume later in 1986. We hope that any resumption will not be accompanied by the gross violations of human rights previously associated with the program.

Villagization, which is purported to improve services by organizing communities into more easily assisted units, is an ongoing effort to relocate up to 33 million rural peasants. As many as 70,000 people have arrived in northwest Somalia during the past 6 months, claiming that they are fleeing the effects of villagization.

There have been a number of problems with the assistance effort in northwest Somalia since the Government of Somalia has decided not to move these new refugees away from the border to a more suitable site. However, the office of the UN High Commissioner for Refugees is organizing relief operations, and conditions seem to be stabilizing.

Of course, civil strife in northern Ethiopia is an ongoing cause of major refugee flows into Sudan. And the Oromo Liberation Front is engaged in activities in western and southern Ethiopia that contribute to flows to Somalia.

Uganda

Another refugee emergency "hot spot" which we are watching closely is southern Sudan and northern Uganda. War in southern Sudan has led to the collapse of traditional civil authorities. As a result, in early May, armed attacks were made on Ugandan refugee settlements. To date, some 60,000 Ugandan refugees have fled home to Uganda. Uganda is currently enjoying a period of relative stability and, so far, has been able to reintegrate these returning refugees with remarkable ease, despite rather widespread destruction in northern Uganda. Additional precipitous returns, however, could result in more serious problems for Uganda, since there are as many as 200,000 Ugandan refugees still in southern Sudan.

Southern Africa

There have not been the outflows from the Republic of South Africa that one might have expected, given the current violence there. Rather, South African Government pressures on countries of first asylum—including the recent raids in Botswana, Zambia, and Zimbabwe—have caused UNHCR to relocate refugees to safer places of asylum. Our government has strongly condemned those raids, and the Refugee Bureau has earmarked funds to help repair the refugee reception center in Zambia that was attacked.

We are, of course, quite concerned about the potential for new refugees, including some who may simply be fleeing the widening violence rather than being associated with any of the banned organizations. We are continuing to work with our refugee officers in the neighboring countries to ensure that contingency planning is done by the relevant international organization whose mandates require it.

If the number of South African refugees has not been growing dramatically, the number of Mozambican and Angolan refugees has. As many as 180,000 Mozambican refugees have fled to South Africa, Zambia, Zimbabwe, Malawi, and Swaziland since 1984. Over 100,000 new Angolan refugees have entered Zaire and Zambia last year and this year.

Refugee Aid and Development

African host nations are developing countries with limited resources to provide for their own citizens. We try to do our fair share of providing for the care and maintenance of African refugees through international organizations such as the UNHCR, ICRC, and WFP [World Food Program]. However, there is also a need to pursue more lasting solutions through integration of refugee and development aid. These medium- and long-term needs must not be forgotten in the process of responding to urgent lifesaving demands. ■

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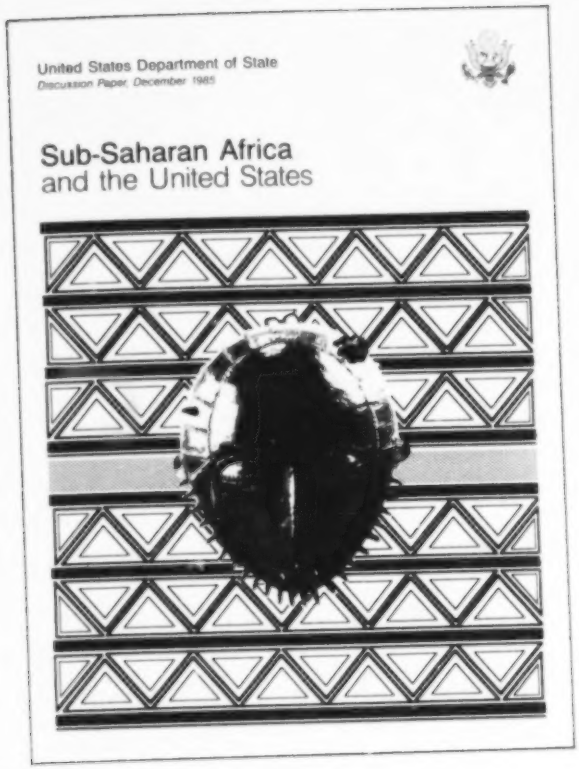

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